

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label of the article failed to bear an accurate statement of the quantity of the contents. (The article in each size can was short of the declared weight.)

DISPOSITION: December 8, 1949. West Foods, claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The seized product was repacked in cans averaging 2.55 ounces drained weight, and the cans were labeled, in part, "Net Drained weight 2 Oz. Avoir."

15985. Adulteration of potato chips. U. S. v. George Bernard Ostermueller (Quincy Potato Chip Co.). Plea of guilty. Fine, \$200. (F. D. C. No. 28221. Sample Nos. 61619-K, 61620-K.)

INFORMATION FILED: February 20, 1950, Southern District of Illinois, against George Bernard Ostermueller, trading as the Quincy Potato Chip Co., Quincy, Ill.

ALLEGED SHIPMENT: On or about October 31 and November 3, 1949, from the State of Illinois into the State of Missouri.

LABEL, IN PART: "Quincy Maid Potato Chips."

NATURE OF CHARGE: Adulteration, Section, 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 10, 1950. A plea of guilty having been entered, the court fined the defendant \$200.

15986. Adulteration of soybean products. U. S. v. Rural Educational Association (Madison Foods), a corporation, and George E. Norris. Pleas of nolo contendere. Corporation fined \$70; individual defendant fined \$35. (F. D. C. No. 24791. Sample Nos. 8744-K to 8749-K, incl., 15303-K.)

INFORMATION FILED: July 2, 1948, Middle District of Tennessee, against the Rural Educational Association, a corporation, trading as Madison Foods, Madison College, Tenn., and George E. Norris, plant manager.

ALLEGED SHIPMENT: Between the approximate dates of September 2 and 10, 1947, from the State of Tennessee into the States of New York and Illinois.

LABEL, IN PART: "Yum," "Stake-Lets," "Zoyburger," "Vigorost," "Soy Cheese," or "Not-Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of larvae, insect fragments, rodent hair fragments, and a human hair fragment; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: June 22, 1949. Pleas of nolo contendere having been entered, the corporation was fined \$70 and the individual defendant \$35.

TOMATOES AND TOMATO PRODUCTS*

15987. Adulteration and misbranding of canned tomatoes. U. S. v. Brady Tomatoes, Inc. Pleas of guilty. Fine, \$250. (F. D. C. No. 28116. Sample Nos. 41817-K, 41828-K, 41835-K, 41842-K.)

INFORMATION FILED: January 30, 1950, Southern District of Indiana, against Brady Tomatoes, Inc., Martinsville, Ind.

* See also Nos. 15952, 15953.

- ALLEGED SHIPMENT:** On or about October 7, 1948, and February 10 and 22 and March 22, 1949, from the State of Indiana into the State of Illinois.
- LABEL, IN PART:** "Richelieu Tomatoes Distributed by Sprague, Warner & Company Chicago, Ill. U. S. A." or "Tegar Brand Red Ripe Tomatoes Packed For Tebbetts and Garland Co. Chicago, Ill."
- NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.
- Misbranding, Section 403 (g) (2), (three shipments) the label of the product failed to bear the name of the optional ingredient present since the product contained a calcium salt, and its label failed to bear as required by the regulations a statement of the presence of calcium salt.
- DISPOSITION:** March 3, 1950. A plea of guilty having been entered, the court fined the defendant \$250.
- 15988. Adulteration of canned tomatoes. U. S. v. Indiana Mushroom Corp.**
Plea of guilty. Fine, \$100. (F. D. C. No. 28216. Sample Nos. 60421-K, 60837-K.)
- INFORMATION FILED:** March 20, 1950, Southern District of Indiana, against the Indiana Mushroom Corp., West Terre Haute, Ind.
- ALLEGED SHIPMENT:** On or about March 3 and May 24, 1949, from the State of Indiana into the States of Wisconsin and Illinois.
- LABEL, IN PART:** "CO-OP Tomatoes * * * Packed for National Co-Operatives Inc. Chicago Illinois" or "White Fairy Tomatoes * * * Distributed By Michigan Mushroom Co. Niles, Michigan."
- NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.
- DISPOSITION:** April 3, 1950. A plea of guilty having been entered, the court fined the defendant \$100.
- 15989. Adulteration of tomato puree. U. S. v. 148 Cases * * * (and 1 other seizure action).** (F. D. C. Nos. 27925, 27926, 28367. Sample Nos. 54268-K, 54271-K, 54294-K.)
- LIBELS FILED:** On October 18 and 25 and November 25, 1949, Western District of Louisiana.
- ALLEGED SHIPMENT:** On or about July 23, 1949, by the Schmidt Canning Co., San Benito, Tex.
- PRODUCT:** Tomato puree. 148 cases at Alexandria, La., and 56 cases at Colfax, La. Each case contained 100 4¾-ounce cans.
- LABEL, IN PART:** "S&S Brand Texas * * * Tomato Puree."
- NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.
- DISPOSITION:** January 24 and February 14, 1950. Default decrees of condemnation and destruction.